

**REMARKS/ARGUMENTS**

Claims 1–39 are pending in the captioned application.

The Examiner has required restriction under 35 U.S.C. § 121 to “one of the following inventions”:

- I. Claims 1-14, drawn to method of hybridization, classified in class 435, subclass 6.
- II. Claims 15-18, drawn to method of detecting SNP, classified in class 435, subclass 6.
- III. Claims 19-23, drawn to polynucleotide, classified in class 536, subclass 23.1.
- IV. Claims 24-27, drawn to polynucleotide terminating in thiodideoxynucleotide or thioacyclonucleotide, classified in class 536, subclass 23.1.
- V. Claim 28, drawn to microarray, classified in class 435, subclass 287.2.
- VI. Claims 29-31, drawn to nucleic acid, classified in class 536, subclass 22.1.
- VII. Claims 32 & 33, drawn to cRNA, classified in class 536, subclass 22.1.
- VIII. Claims 34-36, drawn to kit with thioreactive compound and a nucleoside alpha  $\alpha$ -thiotriphosphate, classified in class 536, subclass 25.32.
- IX. Claim 37, drawn to kit with dideoxynucleotides alpha  $\alpha$  -thiotriphosphate or

acyclonucleoside alpha  $\alpha$  -thiotriphosphate, classified in class 536, subclass 25.32.

X. Claim 38-39, drawn to method of labeling, classified in class 536, subclass 25.32.

The Examiner presents specific remarks as to why the restrictions are justified.

Applicants elect, herewith, with traverse, to prosecute the invention of group I, namely claims 1–14. The traversal centers on the Examiner's insistence of stating that inventions I and II are unrelated.

Specifically, the Examiner states, "inventions I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects...In the instant case Group II involves the method with specific chemicals-dideoxynucleoside  $\alpha$ -thiotriphosphate and acyclonucleoside  $\alpha$ -thiotriphosphate."

In response, Applicants respectfully traverse the restriction, and respectfully submit that claims 1–14 and claims 15–18 can clearly be searched together wherein such search would not too great a burden on the Examiner especially since both are classified in the same class and subclass. Indeed, claims 1–14 are specifically directed to an

expression assay wherein a probe is hybridized to a target; claims 15–18 are directed to single based extension of a probe hybridized to a target. Applicants respectfully assert that while there are differences between the subject matter of claims 15–18 and that of claims 1–14, all incorporate some of the same methodology, and thus, the inventions are not distinct.

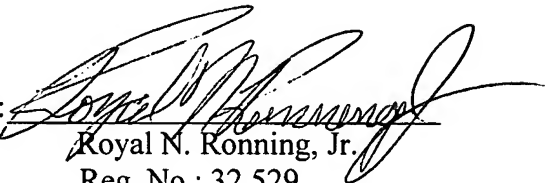
In view of the foregoing, Applicants respectfully assert that the Examiner's restriction of groups I and II is improper and should be withdrawn. Applicants believe that claims 1–18 can be properly searched together as a single invention. Further, Applicants reserve the right to traverse the other restrictions if and when Applications to the unelected claims are filed. Applicants stand ready to cancel the unelected claims upon receipt of Notice of Allowability of the elected claims.

In view of the foregoing, Applicants believe that the claims, as elected, are in allowable form and earnestly solicit the allowance of claims 1–18.

Any questions with respect to the foregoing may be directed to Applicant's representative at the telephone number listed below.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on October 27, 2003.

Signature: 

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